



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Sachi A. Hamai, Executive Officer-
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

At its meeting held Wednesday, November 12, 2008, the Board took the following action:

66-B

The following statement was entered into the record for Supervisors Molina and Yaroslavsky:

“On Tuesday, November 4, 2008, the California electorate approved Proposition 8 by a vote of 52.5% to 47.5%. Proposition 8 eliminates the right of same-sex couples to marry, in effect overturning the California Supreme Court decision of May 2008 which found the ban on same-sex marriages to be unconstitutional.

“On Wednesday, November 5, 2008, three lawsuits were filed in the California Supreme Court seeking a writ of mandate ordering the State to refrain from enforcing Proposition 8 pending a determination by the Supreme Court of the constitutionality of the ballot measure. One of these lawsuits was filed by a group of government agencies which, like Los Angeles County, are responsible for the issuance of marriage licenses and thus face the dilemma of balancing enforcement of Proposition 8 with upholding the equal-protection rights of all citizens. All of these lawsuits seek to overturn Proposition 8 on the grounds that equal protection is such a foundational principle of the California Constitution that the right of the electorate to pass an initiative constitutional amendment does not include the right to overturn, by simple majority vote, a principle as fundamental as equal rights for all.”

Therefore, Supervisor Yaroslavsky made a motion, in collaboration with Supervisor Molina, that County Counsel be instructed to immediately file a lawsuit, or join an existing lawsuit, as appropriate, that will seek to uphold the equal rights of all California residents by challenging the Constitutionality of Proposition 8, which eliminates the right of same-sex couples to marry, in effect overturning the California Supreme Court decision of May, 2008 which found the ban on same-sex marriages to be unconstitutional.

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Dennis Herrera, San Francisco City Attorney, Rocky Delgadillo, Los Angeles City Attorney, Zelda Kennedy representing All Saints Church, June Lagmay, Rita Romero, Yungsohn Park, and other interested persons addressed the Board.

Leela Kapur, Chief Deputy County Counsel, responded to questions posed by the Board.

After discussion, Supervisor Yaroslavsky made a suggestion that his motion be amended to request the Board to join in the lawsuit filed by the City and County of San Francisco challenging the Constitutionality of Proposition 8. Supervisor Molina accepted Supervisor Yaroslavsky's amendment.

On motion of Supervisor Yaroslavsky, seconded by Supervisor Molina, unanimously carried (Supervisors Knabe and Antonovich being absent), the Board instructed County Counsel to join in the lawsuit filed by the City and County of San Francisco, that will seek to uphold the equal rights of all California residents by challenging the Constitutionality of Proposition 8, which eliminates the right of same-sex couples to marry, in effect overturning the California Supreme Court decision of May, 2008 which found the ban on same-sex marriages to be unconstitutional.

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Copies distributed:

- Each Supervisor
- Chief Executive Officer
- County Counsel